

REMARKS

There appear to be two major issues in the outstanding office action. Initially, the amendment filed in April of 2002 was objected to under 35 USC 132 based on an allegation that the amendment introduces new matter. This objection is primarily based on the assertion that the correction of an erroneous mischaracterization of Figs. 1(a)-1(c) as "prior art" constitutes "new matter." The second major issue is that all of the pending claims stand rejected on the basis "Applicant's Admitted Prior Art" either standing alone, or in combination with certain other art of record. The "Applicant's Admitted Prior Art" relied on in this rejection is the subject matter of Figs. 1(a)- 1(c). In the previous response, it was pointed out that the inventors believe that the lead frame illustrated in Fig. 1(a) and 1(b), as well as the package illustrated in Fig. 1(c), is part of their invention and a declaration articulating that belief was filed. Therefore, it is respectfully submitted that the major outstanding issue in the present application is simply whether, as a matter of law, applicants can correct an erroneous mischaracterization of their own invention as "prior art."

As previously discussed with the Examiner, there is a pending sister application (Serial No. 09/399,585) that was a divisional of the parent of the present application. That case has now been allowed. Virtually the same legal questions concerning whether applicants can correct an erroneous mischaracterization of their own invention as "prior art" was raised in that application. In the sister application, at the recommendation of Examiner Berezny, we filed a petition to the Commissioner regarding the question of whether the discussion of part of the invention in the background section of the application constitutes an uncorrectable admission of prior art. A copy of our petition in that case is enclosed for the Examiner's review. After consideration of all of the facts (which are substantially the same as the facts in the present application), the office decided to accept the sworn statement of the Inventors and allowed entry of the amended figures and text.

It is believed that the commissioner's decision in the sister application is dispositive in overcoming the outstanding art based rejections as well as the outstanding objections to the amendments.

The Examiner has also objected to the drawings asserting that the tie bars feature was not shown in the drawings. It is respectfully submitted that the original drawings (e.g. Figs. 1(a),

1(b), 2(a) and 2(b)) all showed the tie bars. We are submitting corrected formal drawings herewith that implement the corrections to the drawings previously submitted and label the tie bars 115. The formal drawings also provide other labeling to improve the readability of the drawings. The Examiner is respectfully requested to enter the formal drawings.

In view of the foregoing, it is respectfully submitted that all pending claims are allowable and the Applicant respectfully requests a Notice of Allowance for this application from the Examiner. If any fees are due in connection with the filing of this amendment, such fees may be charged to our Deposit Account No. 50-0388 (Order No. NSC1P217D2).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "SD Beyer", with a long horizontal flourish extending to the right.

Steve D Beyer
Reg. No. 31,234

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300